

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

CONTENT & COMMERCE, INC., and )  
KEVIN DETRUDE, )

Plaintiffs, )

vs. )

DONNA CHANDLER, )  
SHOW COLORS, INC., and )  
MY K9 BEHAVES, LLC )

Defendants. )

Case No.: 1:20-CV-2488-JMS-DLP

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SHOW COLORS, INC., DONNA )  
CHANDLER, and MY K9 BEHAVES, )  
LLC, )

Consolidated Plaintiffs, )

vs. )

KENETH ZWEIGEL, CONTENT & )  
COMMERCE, INC., KEVIN DETRUDE, )  
and MY K9 BEHAVES, INC., )

Consolidated Defendants. )

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**DEFENDANTS AND CONSOLIDATED PLAINTIFFS DONNA CHANDLER AND  
SHOW COLORS, INC.’S MOTION FOR TEMPORARY RESTRAINING ORDER AND  
PRELIMINARY INJUNCTION**

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Come Now, Defendants and Consolidated Plaintiffs Donna Chandler, Show Colors, Inc., and Derivative Defendant and Consolidated Plaintiff My K9 Behaves LLC (collectively referred to herein as “Defendants/Consolidated Plaintiffs”), by counsel, pursuant to F.R.C.P. 65(b), Local Rule 65.2, Indiana Trial Rule 65 and IND. CODE §34-26 *et seq.* this Motion having originally been filed in Indiana State Court and removed to Case Number 1:20-cv-02930-JPH-DLP, now

joined in this case by the Court's Order dated February 10, 2020 [Dkt. 42] consolidating this action with Case Number 1:20-cv-02930-JPH-DLP, and respectfully move this Court for an immediate entry of a temporary restraining order and preliminary and permanent injunctions against Plaintiffs and Consolidated Defendants Kenneth Zweigel, Content & Commerce, Inc., Kevin DeTrude and My K9 Behaves LLC (collectively "Plaintiffs/Consolidated Defendants") restraining Plaintiffs/Consolidated Defendants from (i) utilizing the name, image, likeness and business reputation of Plaintiff Donna Chandler ("Chandler"); (ii) contacting Chandler by any means other than through Counsel; (iii) contacting and interfering in the business relationship between Chandler and Ignite Veterinary Solutions ("Ignite"); (iv) contacting and interfering with the business relationship between Chandler and Richard Hunt, Half Nelson Enterprises and any of his related business entities; (v) contacting and interfering with Chandler's business relationship with the Amish Community in Indiana and elsewhere; (vi) contacting and interfering with Chandler's certification with the American Association of Veterinary State Boards, Registry of Approved Continuing Education; (vii) continuing the operation of Defendant/Consolidated Plaintiff/Consolidated Defendant My K9 Behaves, LLC ("Company") and the use of Chandler's Copyrights, Trademark and certifications in the operation of Company; and (viii) any withdrawals or conversion of funds from any bank accounts, Quick Books, PayPal or other depository accounts of Company.

As shown by the Indiana Verified Complaint for Judicial Dissolution; Temporary Restraining Order, Preliminary and Permanent Injunction; Violation of Indiana Code §32-36-1-8; Misappropriation of Name, Image and Likeness; Specific Performance and Declaratory Relief; Breach of Contract; Unjust Enrichment; Intentional Interference with Contract; Interference with Prospective Business Relations; Intentional Infliction of Emotional Distress; and Damages, and the Memorandum of Law in Support of Motion for Temporary Restraining Order and Preliminary

Injunction attached hereto and incorporated by reference as Ex. “1”, Defendants/Consolidated Plaintiffs are entitled to such relief, and in support state:

1. Defendants/Consolidated Plaintiffs have noticed in this Court their Indiana Verified Complaint for Dissolution, Temporary Restraining Order, Preliminary and Permanent Injunction, etc. (“Verified Complaint”) [Dkt 13] and Plaintiffs/Consolidated Defendants have Answered said Verified Complaint, *see [Dkt. 16] in Case Number 1:20-cv-02930-JPH-DLP, now joined in this case by the Court’s Order dated February 10, 2020 [Dkt. 42] consolidating this action with Case Number 1:20-cv-02930-JPH-DLP*.

2. F.R.C.P. 65(b) and LR 65.2 empower this Court to issue a temporary restraining order to the opposing party if the requirements set forth therein are met.

3. Defendant/Consolidated Plaintiff Chandler is entitled to the unfettered personal use of her name, image, and likeness without interference from any third party. Plaintiffs/Consolidated Defendants have intentionally misappropriated Chandler’s name, image, likeness, expertise, business reputation and personal copyrights and trademark. Plaintiffs/Consolidated Defendants have intentionally misappropriated these personal rights of Chandler, and upon information and belief, will continue to do irreparable harm to Chandler through their conduct unless this Court grants Defendants/Consolidated Plaintiffs their requested injunctive relief.

4. Plaintiffs/Consolidated Defendants have and continue to cause significant damage to the business reputation of Chandler; and continue to operate Company, against the written request to cease and desist from Chandler, which operation is directly linked and depends upon Chandler’s personality, certifications, business reputation and expertise.

5. Unless restrained or enjoined, Plaintiffs’/Consolidated Defendant’s actions will cause Defendants/Consolidated Plaintiffs great or irreparable injury because such actions are in violation of Defendant/Consolidated Plaintiff Chandler’s rights under I.C.

§32-36-1-8 and the law; and unless enjoined such actions will tend to render the judgment granted herein ineffectual.

6. Defendants/Consolidated Plaintiffs have no adequate remedy at law and the harm to Defendants/Consolidated Plaintiffs, if injunctive relief is not granted, will outweigh the harm to Plaintiff/Consolidated Defendants if such relief is granted.

7. Defendants/Consolidated Plaintiffs will suffer immediate and irreparable injury, loss, or damages unless a temporary restraining order, preliminary injunction and permanent injunction are issued pursuant to F.R.C. P. 65(b) and LR 65.2 and as set forth in Indiana Trial Rule 65 and IC §34-26 *et seq.*

8. Based on the foregoing, Defendants/Consolidated Plaintiffs respectfully request that, immediately upon entry of this Court's Order, Plaintiffs/Consolidated Defendants be enjoined during the pendency of this action from conducting any operations of My K9 Behaves, from any further misappropriation of the name, image, likeness, business reputation, copyrights and trademark of Chandler, and from the withdrawal or other conversion of the funds in the My K9 Behaves LLC Bank, Quick Books, PayPal and other depository accounts.

9. Defendants/Consolidated Plaintiffs are entitled to the injunctive relief requested to Judicially Dissolve Company and are further entitled to such other legal and equitable relief as is necessary to enforce the declaratory ruling granted by this Court, plus Defendants'/Consolidated Plaintiffs' attorneys' fees and costs.

10. Defendants’/Consolidated Plaintiffs’ Indiana State Court Verified Complaint for Judicial Dissolution; Temporary Restraining Order, Preliminary and Permanent Injunction; Violation of Indiana Code §32-36-1-8; Misappropriation of Name, Image and Likeness; Specific Performance and Declaratory Relief; Breach of Contract; Unjust Enrichment; Intentional Interference with Contract; Interference with Prospective Business Relations; Intentional Infliction of Emotional Distress; and Damages filed in the Hamilton County Superior Court 4 on October 19, 2020 as well as the Memorandum of Law in Support of Motion for Temporary Restraining Order and for Preliminary Injunction and Permanent Injunctions filed in the Hamilton County Superior Court 4 on November 10, 2020 are hereby incorporated in this motion by reference as Ex. “1”.

WHEREFORE, Plaintiffs Show Colors, Inc. and Donna Chandler respectfully request the Court enter injunctive relief in favor of Plaintiffs and for all other proper relief in the premises.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on February 25, 2021 a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system.

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